A REVIEW OF THE CASE OF THE Protestant Dissenters.

REVIEW

A

REVIEW OF THE CASE

OF THE

PROTESTANT DISSENTERS;

WITH REFERENCE TO THE

CORPORATION AND TEST ACTS,

In which the Reaſons alleged by the Non-conformiſts for the Repeal of thoſe Laws, are examined under the three General Heads, to which they are reducible, of

GROUNDS OF CLAIM, RELIGIOUS MOTIVES,

AND

POLITICAL CONSIDERATIONS,

AND SHEWN TO FAIL IN EACH BRANCH.

Αμυνω ὑπερ ἱερων και ὑπερ ὁσιων και μονος και μεῖα πολλων, και ἱερα τα πατρια τιμησω.

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M,DCC,XC.

ADVERTISEMENT.

THE following pamphlet was written in the year 1787, upon the firſt circulation of the Caſe of the Proteſtant Diſſenters; but not being carried through the preſs, in time to be given to the Public before the debate took place in the Houſe of Commons upon Mr. Beaufoy's motion, it was at that time ſuppreſſed; the author having no ambition to be the Falſtaff who ſhould kill the breathleſs Percy, and little thinking, that the Diſſenters were in earneſt in the declaration, which they made upon that firſt defeat, of their intention to renew their rejected petition from year to year. The firmneſs with which they now ſeem determined to abide by that reſolution, is thought to render the publication ſtill ſeaſonable. As the real caſe of the Diſſenters is not altered (however the words of it may have been varied yearly) the tract is publiſhed as it was originally written, without the leaſt alteration, and with particular reference to the printed Caſe of the year 1787, which for the benefit of readers who may not have preſerved the original paper, is prefixed.

The author conceives, that his argument is conſiderably ſtrengthened by the new marks, which the Diſſenters give, of their love of peace and quiet, by appearing for the third time, before the ſame parliament, with a petition twice debated, and twice diſapproved: They truſt, as is evident, for ſucceſs, not to the merits of their cauſe—but to the near approach of a general election; to the efficacy, at that particular ſeaſon, of the loud threats of the exertions, which they, "the moſt quiet and peaceable ſubjects in the "realm—orderly themſelves, and promoters of "good order wherever they reſide"—will make for the ſervice of their own party; and they truſt, perhaps, ſtill more to the ill-founded apprehenſion, which they think poſſeſſes the minds of thoſe who are likely to be candidates for popular favour, of a *criminal* ſupineneſs and inactivity in the clergy, and other members of the eſtabliſhed church, in the ſupport of their own friends, in oppoſition to the vigorous and united efforts of their adverſaries.

PRE-

PREFACE.

AMIDST the perpetual ſtruggles of the Church of England with her numerous enemies, thoſe various ſects, which, with little good liking to each other, have been always however firmly confederated for her deſtruction; the defence of the Corporation Act and the Teſt Act hath from time to time found employment for the pens of her ableſt advocates; among whom ſhe may juſtly reckon SHERLOCK, GIBSON, ELLIS, SWIFT, WARBURTON. *Of theſe, the firſt and the laſt may be conſidered as the elementary writers upon the ſubject. Biſhop Warburton in his* Alliance between Church and State, *hath ſhewn the general good policy of an Eſtabliſhment, and the neceſſity of A TEST for its ſecurity, upon principles which republicans themſelves cannot eaſily deny. Biſhop Sherlock in his* Vindication of the Corporation and Teſt Act, *at this time very ſeaſonably republiſhed, hath ſhewn the particular neceſſity of a Teſt to this country, and the particular propriety of the Sacramental Teſt. Biſhop Warburton's work is one of the fineſt ſpecimens, that are to be found perhaps in any language, of ſcientific reaſoning applied to a political ſubject; and Biſhop Sherlock's pamphlet, for force and perſpicuity of argument, and for preciſion and elegance of ſtile, may rank among the firſt of controverſial writings. The following Tract is of another kind. It pretends to no merit, but that of applying*

applying immediately to the preſent occaſion. It is ſimply, what the title announces, "*A Review of the Caſe of the Proteſtant Diſſenters.*" *The general argument is but ſlightly touched; ſo far only, as ſeemed neceſſary for the confutation of their plea, and the correction of their miſtakes. Their political merits are canvaſſed with the greateſt freedom. To ſet them forth in their real colours, neither heightened nor extenuated, it hath been found neceſſary to refer to particular paſſages in the lateſt writings of their moſt diſtinguiſhed teachers; and to draw inferences concerning the ſpirit of the party, which its friends may perhaps diſlike, but at which they cannot juſtly take offence. If it is maintained, that Diſſenters are, as ſuch, diſqualified for certain ſituations; it is not that they are eſteemed dangerous, as bad men, but, as very good men, for ſuch many of them unqueſtionably are, ledde away by unhappy prejudices. If they are taxed with principles, which in certain ſituations and in certain times, would render them not the beſt ſubjects of the Britiſh Government; it is not, that they would be worſe than honeſt men muſt be, with thoſe principles. But after all, offence will be taken, nor will it eaſily be removed. For unfortunately ſuch principles are proved upon the party, and the tendency of the principles is ſelf-evident: it would need no proof, even if none were extant in the Britiſh annals. It will ſtill be the author's conſolation, under whatever reſentment he may have drawn upon himſelf, that he hath acted in pure obedience to that maxim of antient wiſdom which his title page holds*

holds forth, meaning to ſerve the intereſts of religion, and to ſatisfy one of the firſt duties of a Citizen. He thinks it only neceſſary to declare, that under the general name of Diſſenters, he includes not the Members of the Church of Scotland, or of any foreign eſtabliſhment, who, reſiding here, may chooſe to adhere to their own forms. For our indigenous Diſſenters, to whom alone the appellation properly belongs, he heartily prays; that the iſſue of the preſent contention may be, to open their eyes to the diſcernment of this truth: That Toleration on the part of Government, and a chearful ſubmiſſion, on the part of the Tolerated, to ſome neceſſary reſtraints, are the only terms, upon which Churchmen and Diſſenters can ever walk together as friends.

THE CASE OF THE PROTESTANT DISSENTERS, WITH REFERENCE TO THE *CORPORATION and TEST ACTS.*

PRINTED in 1787.

IN the year 1672, the 25th of the reign of King Charles II. an Act was paſſed, entitled, "An "Act for *preventing dangers which may happen* "*from Popiſh Recuſants:*" By which it is enacted, "That all and every perſon or perſons, that ſhall "be admitted, entered, placed, or taken into, "any office or offices, civil or military, or ſhall "receive any pay, ſalary, fee, or wages, by "reaſon of any patent or grant of his Majeſty, "or ſhall have command or place of truſt from "or under his Majeſty, his heirs or ſucceſſors, "or by his or their authority, or by authority "derived from him or them, within this realm "of England, dominion of Wales, or Town of

" Berwick-upon-Tweed, or in his Majeſty's navy,
" or in the ſeveral iſlands of Jerſey and Guern-
" ſey, or that ſhall be admitted into any ſervice
" or employment in his Majeſty's houſehold or
" family,—ſhall receive the ſacrament of the
" Lord's Supper, according to the uſage of the
" Church of England, within three months after
" his or their admittance in, or receiving, their
" ſaid authority and employment, in ſome pub-
" church, upon ſome Lord's Day, commonly call-
" ed Sunday, immediately after divine ſervice."

The circumſtances of the time, when this bill paſſed, were very remarkable. Papiſts were indulged in their religion, and many of them were employed in the great offices of ſtate. The king himſelf was ſuſpected of popery; and the Duke of York, his preſumptive heir, had openly declared himſelf of that religion. This bill was introduced in direct oppoſition to the court; the penal laws having been ſuſpended, contrary to acts of parliament, by the royal proclamation, chiefly in favour of papiſts, at the very time when a war was begun to deſtroy the only proteſtant ſtate by which England could expect to be ſupported in the defence of her religion and liberties. On theſe accounts, the minds of all zealous proteſtants were in the utmoſt fear and conſternation; and, accordingly, the deſign of the act was, as the preamble declares, *to quiet the minds of his Majeſty's*

jeſty's good ſubjects, by preventing dangers which might happen from popiſh recuſants.

The proteſtant diſſenters apprehend, therefore, that this act, as the title ſets forth, was made wholly againſt papiſts, and not to prevent any danger which could happen to the nation or church from the diſſenters. Indeed, ſo far were the proteſtant nonconformiſts from being aimed at in this act, that, in their zeal to reſcue the nation from the dangers which were at that time apprehended from popiſh recuſants, they contributed to the paſſing of the bill; willingly ſubjecting themſelves to the diſabilities created by it, rather than obſtruct what was deemed ſo neceſſary to the common welfare. Alderman Love, a member of the houſe of commons, and a known diſſenter, publicly deſired, that nothing with relation to *them* might intervene to ſtop the ſecurity which the nation and proteſtant religion might derive from the Teſt Act; and declared, that in this he was ſeconded by the greater part of the nonconformiſts. This conduct was ſo acceptable to parliament, that, in the very ſeſſion in which the Teſt Act paſſed, and while that act was depending, a bill was brought into the houſe of Commons, entitled, "A bill for the eaſe of proteſtant diſſenters." This bill, having paſſed through the different ſtages of that houſe, was carried up to the houſe of Lords, where likewiſe it paſſed, with ſome

amendments. Theſe amendments having given occaſion to a conference between the two houſes, King Charles II. from an apprehenſion that the meaſure would prove injurious to the popiſh intereſt, on the 29th of March, 1673, adjourned the parliament to the 20th of October following. In the next ſeſſion, an attempt was made in the houſe of Commons, to diſcriminate the diſſenters from the papiſts, with regard to their qualifications for public offices, by bringing in a bill for a general Teſt, to diſtinguiſh proteſtants from papiſts; which bill, having been read a ſecond time, and referred to a committee, was laid aſide without being reported.

The late Reverend and learned Dr. Burnet, Biſhop of Saliſbury, in a ſpeech in the houſe of Lords, on the ſubject of the occaſional bill, in the year 1703, took particular notice of the conduct of the diſſenters, with regard to the Teſt-Act; and juſtly concluded, that, as the act was obtained in ſome meaſure by their concurrence, *it would be hard to turn it againſt them.*

Though King William III. of glorious memory, had refuſed, when Prince of Orange, to give his approbation to the repeal of the Teſt-Act and other penal laws againſt papiſts, knowing that the meaſure was countenanced by King James II. with the ſole view of introducing Roman catholics into public offices, and that it

would

would have been at that time dangerous to the proteſtant religion and the liberties of the people; yet, when he was raiſed to the throne of theſe kingdoms, and no danger could be juſtly apprehended, he told his firſt parliament, in one of his ſpeeches, that *he hoped they would leave room for the admiſſion of all proteſtants who were willing and able to ſerve him; and that ſuch a conjunction in his ſervice would tend to the better uniting them among themſelves, and ſtrengthening them againſt their common adverſaries.* Accordingly, when the bill was brought in for abrogating the oaths of allegiance, &c. to King James II. a clauſe was ordered to be added for taking away the neceſſity of receiving the ſacrament as a qualification for civil offices. This clauſe the houſe of Lords rejected, contrary to the ſentiments of many noble peers, the ſtedfaſt friends of their country, and diſtinguiſhed promoters of the revolution; who declared, in their proteſt, "That "a greater caution ought not to be required, from "ſuch as are admitted into offices, than from the "members of the two houſes of parliament, who "are not obliged to receive the ſacrament to "enable them to ſit in either houſe."

The Teſt-Act is not the only ſtatute by which the civil rights of the diſſenters are abridged.

In the year 1661, the 13th of Charles II. the year after the reſtoration, an act was paſſed, entitled,

titled, *An Act for the well-governing and regulating of Corporations:* By which it is provided, "That "no perſon, or perſons, ſhall for ever hereafter "be placed, elected, or choſen in, or to, any "corporation-offices, that ſhall not have, within "one year before ſuch election, or choice, taken "the ſacrament of the Lord's Supper according "to the rites of the church of England."

This act, which was paſſed in a period of great heat and violence, was probably deſigned againſt ſome of the proteſtant diſſenters: "For," as a noble lord* expreſſes himſelf, "in thoſe times, "when a ſpirit of intolerance prevailed, and "ſevere meaſures were purſued, the diſſenters "were reputed and treated as perſons ill-affected "and dangerous to the government." But both houſes of parliament in a ſhort time entertained different ſentiments of them; and, before the end of that reign, diſcovered an inclination to relieve them from the diſabilities created both by the Corporation and Teſt Acts †.

On the 24th of December, in the year 1680, a bill was ordered into the houſe of commons, for repealing the Corporation-Act ‡. On the 6th of January

* See Ld. Mansfield's ſpeech in the houſe of lords, Feb. 4th, 1767, in the Appendix to Dr. Furneaux's Letters to Sir Wm. Blackſtone, p. 259.

† See Dr. Furneaux's Letters, p. 178—185, note.

‡ Journals of the houſe of commons, Vol. IX. p. 692, 696.

January‖ following, this bill was read a ſecond time, and referred to a committee. While this bill was depending† in the houſe of Commons, a bill came down from the Lords§, entitled, "An "Act for diſtinguiſhing proteſtant diſſenters from "popiſh recuſants." It doth not appear that there was any diviſion on either of theſe bills, but they were defeated by the ſudden prorogation of the parliament on the 10th of January. The commons being appriſed of the King's intention, had only time to paſs ſome votes on the ſtate of the nation, one of which is in theſe words¶; "That it is the opinion of this houſe, that the "proſecution of proteſtant diſſenters, upon the "penal laws, is, at this time, grievous to the "ſubject, a weakening of the proteſtant intereſt, "an encouragement to popery, and dangerous to "the peace of the kingdom." The parliament was ſoon after diſſolved by proclamation.

Such public teſtimonies, in parliament, in favour of the proteſtant diſſenters, they cannot but conſider as affording a full evidence of their zeal and concern for the proteſtant religion and the liberties of theſe kingdoms, and of their being hearty and ſincere friends to the public peace, both in church and ſtate.

They

‖ Journals of the houſe of commons, Vol. IX. p. 700.
† Ibid. p. 697.
§ Journals of the lords, Vol. XIII. p. 709, 713, 728.
¶ Journals of the houſe of commons, Vol. IX. p. 701.

They therefore humbly hope for the repeal of the ſaid acts for the following Reaſons:

1. Every man, as it is now univerſally acknowledged, has an undoubted right to judge for himſelf in matters of religion; nor ought his exerciſe of this right to be branded with a mark of infamy.

2. The holy ſacrament of the Lord's Supper being a matter purely of a religious nature, and being appointed by our bleſſed Saviour only for the remembrance of his death, ought not to be applied to the ſecular ends of civil ſocieties.

3. As Diſſenters are univerſally acknowledged to be well-affected to his Majeſty and the eſtabliſhed government, and are ready to take the oaths required by law, and to give the fulleſt proof of their loyalty, they think it hard that their ſcruple to receive the ſacrament after the manner of the church of England, or after the manner of *any* church, as a qualification for an office, ſhould render them incapable of holding public employments, civil or military.

4. The occaſional receiving of the Lord's ſupper, as a qualification for a place, cannot, in the nature of things, imply, that thoſe who thus receive it, mean to declare their full and entire approbation of the whole conſtitution and frame of the eſtabliſhed church; ſince men may be compelled by their neceſſities, or allured by ſecu-

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lar advantages, to do what they would not do, were they left to their free choice. As, from theſe motives, perſons may be induced to conform to the eſtabliſhed church in this particular inſtance, though they do not approve of its forms and ceremonies in general; ſo, from the ſame motives, others may comply with the ſacramental teſt, who are not even chriſtians, and who therefore cannot be ſuppoſed to wiſh well to chriſtianity itſelf, or to any national eſtabliſhment of it whatſoever. Hence, it is apparent, that ſuch a teſt can be of no real or effectual ſecurity to the church of England. It is alſo apprehended, that, independently of any remarks upon the doctrine of papal diſpenſations, the ſacramental teſt complained of may be received by many papiſts, becauſe many of them hold the church of England to be no church, her miniſters no miniſters, and her ſacraments no ſacraments.

5. The oaths of allegiance and ſupremacy, and the declaration againſt tranſubſtantiation, have, without the ſacramental teſt, been found effectual, for more than a century, to exclude papiſts from both houſes of parliament.

6. The repeal of the Teſt and Corporation Acts, while it would be a relief to many of his Majeſty's faithful ſubjects, would lay no difficulty or hardſhip on any others of them. It would no way affect the eſtabliſhed church. Religion and the

the national church were eſtabliſhed before theſe acts were paſſed, and would continue to be eſtabliſhed, were theſe clauſes repealed. The doctrine, the diſcipline, and privileges of the church would remain exactly the ſame as they are at preſent. Its conſtitution and its form of government are not ſecured by theſe acts; nor would they be injured by the total repeal of them. On the contrary, every ſerious clergyman would find in ſuch repeal eaſe to his conſcience, and ſafety from vexatious proſecutions; for the ſervice of the church of England, in its notice reſpecting the celebration of the communion, forbids blaſphemers of God, ſlanderers of his word, adulterers, &c. to come to the holy table; and yet the miniſter, as the law now ſtands, muſt admit all ſuch perſons to the ſacrament, when they demand it, as a qualification for an office, or ſubject himſelf to a proſecution.

7. No other inſtance can be produced, among all the reformed churches, in which the ſacrament is ever applied as a qualification for civil employments and advantages.

8. The epiſcopalians in North Britain, who are the diſſenters from the church eſtabliſhed in that part of the united kingdom, are not liable to any incapacities in conſequence of their not qualifying themſelves by receiving the ſacrament according to the uſage of the church of Scotland,

but

but are capable of all the advantages of the civil government by taking the oaths, &c. as appointed by law. Whence it follows, that it is not reasonable or juſt that ſuch of the members of the eſtabliſhed church of North Britain as are reſident in England, ſhould be ſubject to the ungracious alternative of acting inconſiſtently with their principles, or of incurring the penalty of diſqualification for the ſervice of their ſovereign, in any office, civil or military.

9. In the year 1779, the 19th of his preſent Majeſty, an act was paſſed in Ireland *For the relief of his Majeſty's faithful ſubjects, the Proteſtant Diſſenters of that kingdom*, whereby it is enacted, "That all and every perſon and perſons, being "proteſtants, ſhall and may have, hold, and enjoy "any office or place, civil or military, and re-"ceive any pay, ſalary, fee, or wages belong-"ing to, or by reaſon of ſuch office or place, "notwithſtanding he ſhall not receive or have "received the ſacrament of the Lord's Supper, "without incurring any penalties, for or in re-"ſpect of his neglect of receiving the ſame." The proteſtant diſſenters of England therefore humbly hope, from the moderation and equity of the legiſlature, for the ſame juſt reſtitution of their civil rights, to which alone their application is confined.

For

For theſe reaſons the diſſenters are induced to make an application to parliament for relief, humbly apprehending that their requeſt will appear to be founded in juſtice, and that a compliance with it will redound to the honour of religion, will tend to the ſecurity and ſtrength of the proteſtant intereſt, be conducive to the welfare of the nation, honourable to the king, as the common father of his people, and no way injurious to any one ſubject in his Majeſty's dominions.— Arguments, ſo weighty and cogent as thoſe which have now been repreſented, cannot, they truſt, fail, in conjunction with the enlarged and liberal ſpirit of the times, to procure from the legiſlature the repeal of ſtatutes, which can in no degree be conſidered as grounded on public neceſſity or public advantage.

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OF THE

CASE, &c.

THE two Acts of Parliament, which are commonly known by the names of the Corporation Act, and the Teſt Act, were both paſſed at no great diſtance of time after the Reſtoration: the former in the year 1661, the latter in the year 1672. The former is entitled, *An Act for the well-governing and regulating of Corporations*; the latter, *An Act for preventing dangers which may happen from Popiſh recuſants.* Both agree in one principal object; the ſecuring of the Civil Conſtitution againſt the factious attempts of diſcontented parties: and both agree in one ſubordinate object, as a means of the principal, the ſecurity of the reformed epiſcopal church of England, at that time emerging from the ruin,

in which it had been involved during Oliver's deteſtable uſurpation; and recovering, under the reſtored Monarchy, its antient Rights. What it had ſo lately ſuffered from the too ſucceſsful cabals of its inveterate enemies, the ſame ſects which now beheld the renovation of its ſplendor with an evil and malignant eye, evinced the neceſſity of ſome legal proviſion for its ſafety: and how cloſely the ſafety of the King and the Conſtitution, and the peace of the kingdom, were connected with the preſervation of the Church, the late troubles had alſo ſhewn. The Corporation Act, beſides that it required certain oaths and declarations, of perſons at that time bearing certain offices in Corporations, hath provided, that *no perſon or perſons ſhall FOR EVER HEREAFTER, be placed, elected or choſen, in or to any the offices or places aforeſaid, that ſhall not have, within one year next before ſuch election or choice, taken the Sacrament of the Lord's Supper according to the rites of the church of England.* And the Teſt Act hath provided, that every perſon appointed to any office of command, authority, truſt or profit, civil or military under his Majeſty, or by authority derived from him, ſhall before the taking of certain oaths, by that Act required to be taken, *receive the Sacrament of the Lord's Supper, according to the uſage of the church of England, within three months after admittance* into ſuch office, *in ſome public church,*

upon

upon ſome Lord's Day, immediately after divine ſervice and ſermon.

Of theſe reſtraints, ſome of our modern Non-conformiſts feel themſelves impatient; and it is expected that their friends in Parliament will ſtir, during the preſent ſeſſions, for the total repeal of both the offenſive laws. A paper hath been lately circulated, under the title of "The Caſe of the Proteſtant Diſſenters, with reference to the Corporation and Teſt Acts," aſſigning reaſons, which ſeem to the party of ſufficient weight, to determine the Legiſlature to adopt their meaſure. To examine theſe Reaſons is the purport of the enſuing pages. They ſhall be ſeparately canvaſed, not in the order in which they are propounded in the Caſe, (if indeed the name of Order may be given to Confuſion) but under the three heads to which they are reducible of Grounds of Claim, on the part of the Non-conformiſts; Religious Conſiderations, and Political Reaſons. By attending to theſe diſtinctions, (which however, in the framing of the Caſe, ſeem rather purpoſely confounded than obſerved) the ſeparate weight of each argument will be beſt appreciated, and the general merits of the queſtion moſt clearly underſtood.

Our propoſed examination therefore ſhall proceed in this order: The Grounds of Claim, on the part of the Non-conformiſts, ſhall be firſt examined; as what ought, in all ſuch caſes, to be the weakeſt part of the whole plea. The Religious grounds of their petition ſhall be next examined; and their Political Reaſons, in which the ſtrength of the cauſe ought to lie, ſhall be canvaſed laſt. There may be Grounds of Claim, there may be Religious Motives, and Political Arguments upon the other ſide. But the main thing in queſtion is the juſtice and propriety of one of thoſe great meaſures of the State reſpecting the Church, in which, ſo long as religious ordinances are not profaned, nor the conſcience of the individual perſecuted, political expedience muſt over-rule all other conſiderations. For ſelf-preſervation is the leading principle which muſt govern the whole morality of a State; in ſo much, that no claim on the part of a citizen, or of any deſcription of citizens, temporal or eccleſiaſtical, can be juſt and equitable (the Government itſelf being ſuppoſed a juſt one, both in its principles and execution) which may be contrary to the State's ſecurity. To the grounds therefore of Claim, on the ſide of the Non-conformiſts, Political Conſiderations on the contrary ſide, may perhaps be oppoſed. But no claims on the part of the eſtabliſhed Church,

ſhall

hall be ſet in oppoſition to any juſt plea of poli-
cal expedience, if any ſuch ſhould be found, on
he ſide of the Non-conformiſts: ſince by the
rinciples laid down, political expedience, once
learly demonſtrated, muſt overſet all claims on
ither ſide.

The pretended claim of the Non-conformiſts
ppears to be three-fold: upon the Gratitude, upon
he Juſtice, upon the Impartiality of the State.

Their claim upon the gratitude of the State is
ounded upon certain great good ſervices which
he Non-conformiſts, in the reign of Charles the
econd, rendered both to Church and State, and the
iſintereſted part they acted, in "contributing to
he paſſing of the Teſt Act." The Teſt Act they
ay was introduced as a barrier againſt Popery,
"in direct oppoſition to the Court," which at that
ime was ſuppoſed to favour Papiſts. The Non-
conformiſts readily concurred in a meaſure, which,
however oppoſite to their own intereſts, was deem-
ed neceſſary for the ſecurity of the Proteſtant cauſe
n general. And they think it hard, that an act,
obtained in ſome meaſure by their concurrence,
ſhould be turned againſt them. And the very ſame
anguage, it muſt be confeſſed, was held upon this
ubject, ſo long ſince as the beginning of the
preſent

preſent century, by a Biſhop in the Houſe of Lords.

Now although it ſhould be admitted, that the fact was, as it is repreſented by the Proteſtant Diſſenters; ſtill it may be reaſonable to aſk them, whether they conceive that the general danger from Popery, which their anceſtors ſo much dreaded, is now in ſuch degree removed, that Papiſts may with ſafety be admitted to thoſe places of authority and truſt, from which the Corporation and the Teſt Acts exclude them. Becauſe if the danger ſtill continues, it may become the Non-conformiſts of the preſent times to imitate the example of their anceſtors, which they ſo much extol; and to ſubmit chearfully to particular inconveniences for the general good.

But to this they have a ready anſwer. The oaths of allegiance and ſupremacy, they ſay, with the declaration againſt tranſubſtantiation, would be ſufficient for the ſecurity of Proteſtantiſm againſt Popery, without the Sacramental Teſt. Our anceſtors indeed thought otherwiſe. They thought oaths and declarations inſufficient without the barrier of the Teſt. Perhaps it might ill become private citizens, without ſome better authority than merely that of their own judgments, to agitate a queſtion, which the Legiſlature of the

he country hath once ſolemnly decided. But to experience, in this age of experiment, an appeal will lie even againſt the deciſions of public legiſlative wiſdom. "The oaths of allegiance and ſupremacy, and the declaration againſt tranſubſtantiation *have been found effectual* for more than a century, to exclude Papiſts from both Houſes of Parliament *." Why then ſhould not the ſame oaths, with the ſame declaration, be effectual, without the Sacramental Teſt, to exclude Papiſts from all thoſe offices, from which the Corporation and Teſt Acts were intended to exclude them?

But this reaſoning is fallacious, proceeding to its concluſion through the medium of a falſe fact, aſſumed upon the evidence of an imaginary or miſinterpreted experience. The excluſion of Papiſts, for more than a century, from both Houſes of Parliament, if it hath not been effected by the oaths of allegiance and ſupremacy, and the declaration againſt tranſubſtantiation, can be no argument of the probable efficacy of the ſame oaths and the ſame declaration for other excluſions. Now the truth is, that the excluſion of Papiſts for the laſt century, from Parliament, hath not been the effect of any oaths or declarations. For if

* See the Caſe. 8. 5.

if it be ſuppoſed that Papiſts, during all this time have been governed by their old principles, no oaths or declarations, made to a government, which their church hath deemed heretical, can have bound their conſcience. The notoriety of their Popery, and the dread and abhorrence of the principles of the church of Rome, which the people of this country in general entertain, have been the real, oaths and declarations have been only the apparent means of their excluſion from the Houſe of Commons. No one can without ſome notoriety of character, become a candidate for a ſeat in Parliament. His ſituation in life muſt be conſpicuous and reſpectable: his family and his connections muſt be known. It is difficult for any one, in this rank of life, to make a ſecret of his religion; and to a Papiſt, the difficulty is heightened by the very nature of his religion; which delighting, as it does, in externals, tends to the diſcovery. And ſo great, even in theſe times of indifference, is the dread of Popery, that were a reputed Papiſt to become a candidate to repreſent the moſt corrupt borough in the kingdom, it would be impoſſible that he ſhould carry his election. In the upper Houſe, Papiſts have been excluded from the ſeats, to which birth might entitle them, not by oaths and declarations, but by the ſentiments inſeparable from hereditary nobility. A perſon in this high

rank

rank appears as a patron and protector of any party to which he may belong. And whatever general opprobium may follow the party, ſomething of reſpect and honour waits upon the character of a powerful chief. The diſtinction gained in his own party, is a compenſation to every Peer of the Roman communion, for the conſequence which he loſes in the State, by an adherence to the religion of his anceſtors. He therefore chearfully excludes himſelf from his hereditary place in the legiſlative council; eſpecially when his admiſſion to it cannot be attained, without mean diſſimulations, which would wound his feelings as a man of honour, whatever ſubterfuges the caſuaſtry of his church may have provided for his conſcience. The end of the corporation and the teſt acts, is to exclude perſons of a far inferior condition, from far inferior ſituations; and perſons of all conditions, from ſituations to which neither birth, nor the choice of the people, but the favour of the court gives admiſſion. It was the purpoſe of theſe acts to exclude perſons, upon whom the generoſity of inbred ſentiment might lay no powerful reſtraint, perſons whoſe attachments and perſuaſions might be more eaſily concealed, from offices in corporations; in which the ſhare, which thoſe who are placed in them acquire, in the management of elections, in the patronage of livings, in the ſu-

perintendance of religious, literary, and charitable foundations, would, in the hands of thoſe who ſhould not be friends to the eſtabliſhment in Church and State, to which it was ſuppoſed no one of the Roman Church at that time could be a friend, be a means of ſlowly and ſecretly undermining the conſtitution; and to exclude unfit perſons of all ranks from places conferred by the favour of the Crown; that the Crown might not be at liberty, if at any time ill-adviſed it ſhould have the inclination, to exert its influence, for the re-eſtabliſhment of the Papal tyranny. Theſe were the views with which the Corporation and the Teſt Act were introduced. And unleſs it can be allowed, that the danger from Popery is in ſuch degree diminiſhed; that Papiſts may, with ſafety to the civil and religious conſtitution, be allowed to have a principal ſhare in the elections of Members of Parliament, in the patronage of church-livings, in the appointment of profeſſors, of maſters of colleges and ſchools, and governors of hoſpitals; (of colleges, ſchools, and hoſpitals endowed too with the wealth of pious church-men) unleſs it be allowed that Papiſts are fit perſons to bear commiſſions in the army and the navy, to bear offices of command and truſt under his Majeſty, or by authority derived from him, from many of which places they cannot be excluded by the ſame means, which effected their

excluſion

exclusion from either House of Parliament; nor by any oaths or declarations, with which their church takes upon her to dispense; unless the safety of admitting Papists to all these places be allowed, the necessity of the sacramental test, for the security of the reformed religion in this country, must be the same now, as when the test was first exacted; and the political inexpediency of the proposed repeal must over-rule the plea, which the nonconformists of the present day would build upon the good services of their ancestors.

Indeed, without extending our views to the interests of the Protestant cause in general, any otherwise than as those general interests must, in the nature of the thing, in every country depend upon the stability of some particular establishment; the political argument against the proposed repeal, as it respects only the particular security of the church by law established, will greatly countervail any plea of hereditary merit on the side of the nonconformists. Not but that churchmen will readily allow, what the Nonconformists, if they would be consistent with their own conduct upon a late occasion, must be careful how they deny; that the danger from Popery either to the Protestant cause in general, or to the constitution of this country in particular, is from various causes much dimi-

niſhed. The ſpirit of the Roman Church, it is hoped, is become more moderate and gentle. For although the reformation of Religion hath been a principal cauſe of the progreſs of Learning and the advancement of Science, within the two laſt centuries ; yet the benefit hath not been confined to the reformed countries. The light of knowledge, like the light natural, ſpreads itſelf by an inherent power of expanſion. Nor is it poſſible that the one, more than the other, ſhould be confined to the ſpot, where the blaze is firſt kindled. It is not therefore in the Proteſtant Churches only, that the intellect of man hath been for two centuries or more in an improving ſtate. Liberty of conſcience hath its advocates even among the Roman clergy. The Conclave indeed hath not yet renounced its deteſtable maxims, that faith is not to be kept with Heretics, and that Princes deprived by the Pope may be depoſed or murthered by their ſubjects. On the contrary, no longer than ſince the year 1768, when it was propoſed to exempt the Roman Catholics in Ireland from the penal laws, upon condition that they ſhould ſwear allegiance to the King, and declare their abhorrence of thoſe infernal doctrines; the Court of Rome exerted all its influence with the Iriſh Catholics to prevent their acceptance of theſe conditions. The titulary Biſhops in Ireland at their conſecration

tion, ſwear to defend the Roman Papacy, and the Royalties of St. Peter; to defend, enlarge, and promote the authority of the Roman Church, and their Lord the Pope. To perſecute and impugn all Heretics, Schiſmatics, and Rebels againſt their ſaid Lord.* The Pope's court will naturally be the laſt place where his ſupremacy will be diſowned; and where learning has made the leaſt progreſs, ſuperſtition will be the leaſt ſhaken. But in this country the Roman Catholic is but weakly attached to legendary doctrines and inſignificant ceremonies, which his improved reaſon hath taught him to deſpiſe. He ſwears allegiance to the King, abjures any authority of the Pope to releaſe him from that obligation, and is rather indeed a member of the Gallican Church, than a Papiſt in the proper ſenſe of the word, as it ſignifies a defender of the Pope's ſecular as well as ſpiritual ſovereignty. The numbers of the ſect in Great Britain are generally ſuppoſed to be decreaſing; and its hopes are broken, by the depreſſed fortunes and approaching extinction of the family, to which it was attached. He therefore muſt be a bigot in Proteſtantiſm, if ſuch a contradiction may exiſt, as bigotry and the principals of a Proteſtant united, who imagines, that the danger, which at preſent threatens Church or State from popery, is any thing more (the

* See the Biſhop of Cloyne's inſtructive Pamphlet on the preſent State of the Church of Ireland.

(the truth is it is leſs) than may reaſonably be apprehended, from ſome other ſects diſſenting from the eſtabliſhed church. Still, however, the Roman Catholics in this country are Diſſenters; and while they are ſuch, it would be impolitic to remove the reſtraints, which exclude them from offices in which they might find occaſion of doing much ſecret miſchief. For that a Diſſenter, whatever may be his integrity and his piety, whatever may be the grounds of his diſſent, is an unfit perſon to be entruſted with command, authority, and influence in any ſtate, in which the civil Magiſtrate takes a particular church under his protection, is an axiom in politics, of which it is hoped a regular proof is not at this time wanting. Ill will to the eſtabliſhment muſt, in all governments, belong to the character of a Diſſenter, if he be an honeſt man. Ill will may indeed be diveſted of its rancour, by the natural good temper of the man, and by the gentle ſpirit of our common Chriſtianity. And the energies even of rancorous ill will, may be reſtrained by political ſagacity. A Diſſenter may occaſionally contribute to the ſupport of an eſtabliſhment which he hates; if he foreſees that its ruin would be the means of ſetting up another, from which his party would meet with leſs indulgence. But a preference cannot but be given by every man, to the ſect to which he himſelf

ſelf belongs: and from no worſe principle than this, which indeed in itſelf is a virtuous principle, every Diſſenter from an eſtabliſhed church will be inclined to uſe any influence or authority, with which an impolitic government may entruſt him, to advance his own ſect in the popular eſteem, and to increaſe its numbers: and as means to this end, he will uſe all means that ſeem to himſelf fair and juſtifiable, to undermine the church eſtabliſhed, if there is any hope that its fall may facilitate the eſtabliſhment of his own, or of ſome other more congenial to his own. And in all this the crime is not in the man, but in the government, which truſts him with a power, which he cannot but miſuſe. The man himſelf all the while believes that he is doing God, and his country ſervice: and the harm that he may do, under the notion of doing good, will be only ſo much the more, the greater we ſuppoſe his virtues and abilities. Upon theſe undeniable principles the policy of a Teſt is founded. The removal therefore of the particular dangers, which once threatened the civil and eccleſiaſtical conſtitution of this country from Popery, was a juſt and ſufficient reaſon for the repeal of the penal ſtatutes againſt the Roman Catholics, but would by no means juſtify the removal of thoſe reſtraints, to which the peace and ſafety of the State require that Diſſenters of all denominations ſhould be ſubject.

It were to be wiſhed, that the ſuppoſition might reaſonably be made, that upon the preſent occaſion there would be no neceſſity of going ſo far back in firſt principles, as to enter into the queſtion of the general good policy of an eccleſiaſtical eſtabliſhment. But it requires but a ſlight acquaintance with the ſpirit of modern nonconformity to foreſee, that an anſwer will be given to the argument, founded on the dangers to be apprehended from a Diſſenter, as ſuch, in places of authority and influence, which will neceſſarily lead to that fundamental queſtion. It will be ſaid that theſe are dangers that can have no exiſtence, but under an eſtabliſhment. That an eſtabliſhment is itſelf the cauſe of them. That the proper, and the only radical cure, would therefore be to *uneſtabliſh*. That civil government ſhould leave religion in its natural ſtate of independence; leave all ſects equally unreſtrained, and equally unprotected. The natural conſequence of which, it will be ſaid, would be, that all ſects would be equally friends to this juſt government, and that no diſturbances would be created by their jealouſy and envy of each other. Among equals, jealouſy and envy could not ſubſiſt, and in a church diveſted of all its emoluments and honours, ambition and avarice, the ſources of jealouſy and envy would have no objects. By the ſame reaſoning it might be proved,

that

that the beſt method, to compoſe the feuds of jarring factions in the State, would be to aboliſh civil government. For in the very ſame ſenſe in which an eſtabliſhment is itſelf the cauſe of the dangers from Diſſenters, civil government is itſelf the cauſe of all the miſchiefs, which ariſe from factions, conſpiracies, and treaſons. But the truth is, that as factions are not evils introduced by governments, but the remains of evils which government hath not yet been able to expel; ſymptoms of *Original Sin* in a particular inſtance: ſo religious feuds are other remains of the ſame evils, which the conjoined powers of government and religion have not yet been able to expel; ſymptoms of *Original Sin* in another inſtance. The firſt are diſorders, for which the preſent ſtate of mankind admits no perfect cure, but government is the beſt palliative; and the latter are diſorders, for which the preſent ſtate of mankind admits no perfect cure, but eſtabliſhments are the beſt palliatives. The diſorder, in both caſes, would be more intolerable and more dangerous, if the palliatives were diſuſed. The queſtion, however, is of little moment, what might be the beſt policy of a law-giver, with reſpect to religious ſects, in the firſt formation of a common wealth; if the world were returned to that tumultuary ſtate, out of which, as democratical politicians dream, civil ſociety firſt aroſe,

and from that chaos of mankind new communities were to be created. Probably every law-giver would find it his intereſt to ſeek the alliance of ſome church: and every church would find its advantage in the protection of the law-giver. And to riſe above the lower concerns of law-givers and churches, Religion and Government would find their ſeveral advantages in this mutual alliance. But the fact is, that civil ſocieties are already formed. The queſtion therefore, what might be beſt to be done, if they were now forming, is beſide the purpoſe. The wiſe ſtateſman makes the beſt of the conſtitution of his country, as he finds it. He never ventures upon the dangerous experiment of unmaking it, to make it up better in another form. In this country the ſtateſman finds an eſtabliſhed Church, amidſt a variety of brawling ſects, all enjoying the utmoſt liberty of conſcience, yet all clamorous againſt the perſecuting ſpirit of the Hierarchy, to whoſe candour and liberality they are in great part indebted for the bleſſing of a general toleration. In this ſtate of things the abſtract queſtion, "Had it not been better that an eſtabliſhment had never been," is of no importance to the ſtateſman, whoſe ſole concern is the practical good. An eſtabliſhment is; and leaves him only to decide upon this alternative, "Is it for the peace and ſafety of Government, that the Church,

long

long ſince eſtabliſhed, be maintained in the rights which ſhe hath long enjoyed, or that ſhe be given up to the malice of her enemies?" It is believed, that they, with whom the choice at this time reſts, are little likely to exclude juſtice from a principal ſhare in their deliberations. Their choice, however, muſt in ſome meaſure be guided by a compariſon of the numbers and the ſtrength of the friends and the foes to the eſtabliſhment. If the latter make a great majority of the whole people, it may be the policy of Government to court the friendſhip of the ſtrongeſt, and to abandon a weak ally, however faithful. Not that the principle is univerſally true, that the Chief Magiſtrate is to be determined in the choice of his religion, by the voice of the majority of the people. A circumſtance perhaps of far more importance is the fitneſs of one church, rather than another, by its internal form, to unite with the civil conſtitution. In the formation of all alliances, regard is to be had, not only to the ſtrength of the intended ally, but to the probability that both ſides will ſtand to their engagements: and this depends not upon the power, but upon the ſeparate intereſts and diſpoſitions of the contracting parties. In the preſent queſtion however, power, ſtrength, and numbers, are undoubtedly to be conſidered. But if not only the ſuperiority of ſtrength and numbers, but the ad-

vantage of assimilation to the civil constitution, be greatly on the side of the Established Church; it follows that the establishment must be supported: unless it could be deemed a wise measure, that the majority of all ranks of the people, the power of the chief of the hereditary nobility, the interest of the independent country gentlemen, the affections of an honest yeomanry, in freedom of spirit and integrity of principle not inferior to their betters in birth and fortune, with the influence of a numerous clergy, heightened as it would be by their unmerited sufferings, and the learning of the two Universities, should all be thrown, in one huge lump, by Government's own hand, into the scale of the discontented party. When the advantage gained would, in truth, be nothing more solid than the acclamations of a multitude. For of what higher value would the praises be of discordant sects, incapable of uniting among themselves; and, if they could unite, incapable of bringing any strength to Government as a church, because they hold all alliance of a Church with Government to be profane and antichristian. This is the very ground of their implacable animosity to the present establishment; insomuch, that could a formulary of faith be composed, to which they could all assent in every article; a mode of worship instituted, which they should unanimously approve; a form of Church Government devised, which they

hey ſhould all deſire to adopt; yet from this beſt of all poſſible churches, were it once eſtabliſhed, hey would ſtill be Diſſenters. Becauſe obſcurities n the articles, and blemiſhes in the Liturgy, are ot the great point upon which the controverſy, etween the Church and the Diſſenters, turns. We object they ſay, to a CONSTITUTION*: nd every Diſſenter, who makes this his objection, muſt diſſent from his own church, were it once o accept of an eſtabliſhment. Such being the ctual ſtate of things, it will be the policy of Government to maintain the eſtabliſhed Church; nd if the eſtabliſhment is to be maintained, the Teſt Act, or ſome equivalent reſtraint upon Non-conformiſts, is neceſſary, not only for the Church's ſafety, but for the ſecurity of Government againſt the intrigues of parties. The claims therefore, which the Non-conformiſts would make upon the Gratitude of the State, on the ground of the good ſervices of their anceſtors, were they better founded than in truth they are, muſt nevertheleſs yield to the ſtrength of argument, on the contrary ſide, from political expedience.

* Robinſons Lectures upon Non-conformity—Preface to the fifth edition, p. xxii.

Q. What do the Diſſenters object to the general conſtitution of the Church of England?

A. That it is a civil eſtabliſhment.—Proteſtant Diſſenters Catechiſm, p. 50. London printed for J. Buckland, No. 57, Pater-noſter-row, 1782.

But

But the truth is, theſe claims are groundleſs. The merits of the Non-conformiſts in the reign of Charles the Second, whatever they might be, can be of no avail to the Proteſtant Diſſenters of the preſent day, who are no more the children of the old Nonconformiſts, than the unbelieving Jews, of the Apoſtolic age, were the children of faithful Abraham. They are the iſſue of their loins, not the children of their principles. The Diſſenters from the Church of England, in the times of the Stuarts, were Calviniſts in doctrine, in diſcipline Preſbyterians. What are our modern Non-conformiſts? In doctrine, Arians, Socinians, Pelagians, Neceſſarians, Materialiſts, Antinomians; any thing but Calviniſts. What are they in diſcipline? Any thing but Churchmen, or Preſbyterians; no leſs enemies to Preſbytery than to the eſtabliſhed Church. "Popery, ſays the great oracle of modern Non-conformity, is the conſummation of religious tyranny, and Preſbyterianiſm, a weak degree of it. But the latter [Preſbyterianiſm] has in it the eſſence of the former [Popery] and differs from it [Preſbyterianiſm differs from Popery] only as a kept miſtreſs differs from a ſtreet-walking proſtitute, or as a muſquet differs from a cannon." Theſe are the words of an eminent Non-conformiſt, in a work, in which he profeſſes to ſtate the general principles of Non-conformity; and that theſe

words

words expreſs the ſentiments, not of an individual, but of the party, appears by the ſolemn approbation of the work by a ſynod of Nonconformiſts, which meets at Harlow, in Eſſex, and ſtiles itſelf the Eaſtern Aſſociation. This approbation "ſigned by order of all, by Morgan Jones Moderator," is printed upon the back of the title page. The work is entitled "A Plan of Lectures on the Principles of Non-"conformity, for the inſtruction of Catechumens, by R. Robinſon." It made its firſt appearance about the year 1778. In the year 1781, it had run through four editions, and a fifth was ſent abroad. This rapid ſale, is no leſs than the ſolemn judgment of the Eaſtern Aſſociation, a proof of the approbation, with which it has been received by the general body of the Nonconformiſts. What kindred then can theſe claim with the Proteſtant Diſſenters of the laſt century? In the reign of Charles the Second, was the Proteſtant cauſe ſerved by the Preſbyterians, by a willing ſacrifice of themſelves? Was the eſtabliſhed church ſtrengthened and ſupported by them as a bulwark againſt Popery, to the detriment of their own party? Lives the remembrance of this ſervice in the mind of government? Glows the public boſom with the generous flame of gratitude? Let the genuine re-

pre-

preſentatives of its Benefactors be ſought out, the remnant of the true Preſbyterian ſect. On them, if they can be found, let honours and rewards be laviſhed with an unſparing hand. But to remunerate the ſervices of the old Preſbyterians on their apoſtate ſons, the Nonconformiſts of the preſent day, would be nothing better than the abſurdity of the Egyptian government reverſed; where the reigning Monarch, it is ſaid, hath lately thought proper to diſplay his juſtice, by retaliating on the miſerable Jews within his kingdom, the pillage which their anceſtors, he ſaid, committed upon his, in the days of Moſes.

So much for the claim of our Nonconformiſts upon the Gratitude of the State. Their ſecond claim upon its Juſtice, hath a double foundation. The firſt ground is the right of private judgement in matters of religion. This, they ſay, "being now univerſally acknowledged, no man's exerciſe of it ought to be branded with a mark of infamy." The notion of perſecuting men for their opinions, is now indeed juſtly and happily exploded. A toleration of all the different ſects of Chriſtians, each in its own modes of worſhip, no leſs than in its doctrines, is alſo admitted, and become a maxim of government. But that the right of private judgment, in the extent

extent in which it is claimed and exerciſed by ſome of the modern Nonconformiſts, is univerſally acknowledged, is a poſition to be denied. It is not acknowledged in any ſuch extent by the church of England, nor by the Calviniſtic churches of Scotland, Holland, or Geneva. It is not acknowledged by the Epiſcopal church of America. Nor can it be acknowledged without reſtriction, more or leſs, by any eſtabliſhed church in Chriſtendom; a denial of any ſuch unlimited right being implied in the very idea of an eſtabliſhment. This however is of no great importance in the preſent queſtion: only it becomes the friends of peace and order, either in Church or State, whenever this univerſal acknowledgment of the right of private judgment is pretended, to proteſt aloud againſt it.

But whatever may be the true extent of the right of private judgment, the Corporation Act and the Teſt Act imprint no infamy upon the exerciſe of the right, to whatever exceſs it may ſome times be carried. The exerciſe of the right, within its juſt limits, is a thing in its nature ſo reſpectable, that any attempt to make it infamous, would indeed only redound to the infamy of government. If the thing is ever infamous, it is when the exceſs to which it is carried, by perſons who in any other part of their conduct

exhibit no ſymptoms of infanity, creates a ſuſpi-cion, that, in thoſe inſtances, the right is only pretended, to cover baſe deſigns, and to ſkreen ſeditious practices. In theſe caſes, the infamy ariſes, not from any Acts of Parliament, but from the appearance of hypocriſy in a man's own conduct. Civil incapacities carry no infamy, except when they are attached to an individual, by the ſentence of a court taking cognizance of crimes, for which infamy is the proper, or the legal, puniſhment. Thus an incapacity to ſerve his Majeſty in the army, is attended with infamy to a ſoldier, when it proceeds from the ſentence of a court martial, as a puniſhment for cowardice. Incapacity to hold preferment in the church, is infamous to a cleric, when it is the puniſhment of ſimony, or not any other ſcandal. But theſe ſame incapacities, of ſerving in the army or the church, when they appear not otherwiſe in the individual, than as he comes within a certain deſcription of citizens, diſqualified by ſome general law, are not infamous; for the ſame reaſon, that it is not infamous to any man not to be qualified by his fortune to ſit in Parliament, or to vote at a County election, or to ſhoot game. Theſe are civil incapacities; but, they carry no infamy, becauſe no natural turpitude belongs to the want of that meaſure or ſort of property, which makes the legal qualification; nor

is it within the intention of the laws, which appropriate these rights, to imprint disgrace upon the excluded citizens. For the same reason no infamy attends the incapacities established by the Corporation and the Test Acts. The truth is, that in all these cases of disqualifying laws, not penal, the incapacity is originally in the person. It may be either in the make and constitution of his body; in his mental talents; or, which is a far more frequent case, in the circumstances of his particular relation to Society. But in whatever it may consist, the law only declares it. The persons, in whom it may be found, are neither disgraced nor honoured by the declarations of the law, but by the internal quality of the circumstance which the law points out; according as that circumstance is, in its own nature, and in the common judgment of mankind, base or honourable. Were the case otherwise, no man in society would not be infamous; since every man is either naturally or legally disqualified for some one or more of the various situations of civil life. The exclusions however, of the Corporation and the Test Acts hardly amount to incapacities; because they declare no incapacities, but such which the individual hath in his own power, at any time, to efface.

It is much to be lamented, that the fact, which is alleged as a ſecond ground of the Non-conformiſts claim on the juſtice of the country, though an univerſal acknowledgment is again pretended, ſhould be diſputable. Namely, "their Loyalty to "his Majeſty and the eſtabliſhed government,"* and the ſincerity "of their friendſhip to the public peace, both in Church and State." ‡ It might ſeem invidious to ſay, nor ſhall it be ſaid, of the majority of Diſſenters, that they are inſincere in theſe profeſſions. Were the actual feelings of the individuals the true ſtandard of the principles of a party; the Non-conformiſts of the preſent times might paſs for a loyal body, friends to public peace. But the truth is, that when the firſt contentions, which have given riſe to any party, are a litle ſubſided; the majority, who from accidental circumſtances, from birth and family-connections, or perhaps, in a country like this, from connections in trade and commerce, give their names to it, and paſs in the catalogue for its adherents, know nothing of its origin and real principles; and, while the tranquillity of public affairs ſuffers them to be governed by their own minds, are but looſely attached to it, and enter little into its views: and yet theſe ſame perſons are eaſily wrought upon, and inſpired with very different

* Caſe § 3. ‡ Caſe.

different ſentiments, if an unexpected turn in public affairs, offers a fair occaſion to their leaders. Hence the real character of any ſect or party hath, in truth, little connection with the general diſpoſitions of its nominal adherents, in quiet times. The diſpoſitions of the Leaders, with reſpect to party views, make up the whole character of the party. It is yet within our memory, that numerous clans of Highlanders, which for many years back had been compoſed of peaceable and quiet ſubjects, no ſooner heard their Chieftains pipe upon the hill, than they roſe to a man, Rebels armed.

Now if the Leaders of the modern Non-conformiſts are "hearty and ſincere friends to the "public peace, both in Church and State," * whence is it, that the writings of many among them, capable of far better things, breathe a ſpirit of the moſt virulent malignity againſt the eſtabliſhment? Whence is it, that they are uſed to treat the ſubject of civil liberty, in a manner that hath given too much reaſon to ſuſpect, that the principles of a Non-conformiſt in religion, and a Republican in politics, are inſeparably united? Can *they* wiſh the peace of the Church, who wiſh not its ſtability? Can they

* Caſe.

they wiſh its ſtability, who think "that the Pre-
"latical Hierarchy is a violation of religion both
"natural and revealed? That people, in the com-
"munion of the eſtabliſhed Church, may think
"themſelves religious, as the deformed think
"themſelves handſome? Or may be religious, as
"trees may be accidentally fruitful in an un-
"friendly ſoil, but that the conſtitution is not re-
"ligion nor calculated to promote it? That the
"Hierarchy, conſidered as a corporation, is uncon-
"ſtitutional? That it is baneful to learning? That
"Prelacy hurts morality? That the whole of the
"Church-ritual is hurtful to popular Piety?
"That Epiſcopacy is neither of divine nor human
"right, but a human wrong, ſuppreſſive of divine
"and human rights? That it is EXECRABLE?
"That Wake, Potter, Herring, Secker, all
"riſqued Chriſtianity to preſerve the eſtabliſh-
"ment?" Theſe are the ſentiments inculcated by Mr. Robinſon, in his *Plan of Lectures upon the Principles of Non-conformity:* a work approved, it is to be remembered, by the Eaſtern Aſſociation. How theſe ſentiments, or the approbation of theſe ſentiments, can be lodged in the ſame breaſt with *cordial and ſincere friendſhip to the public peace, in Church and State,** is a myſtery not eaſy to be explained.

Nor

* Caſe.

Nor is it leſs difficult to underſtand, how a principle of genuine loyalty to any King, or attachment to any Government but a mere democracy, can be reconciled to that impaſſioned fondneſs for the Democratic form, which exults in the American revolution, as "the moſt important ſtep in the progreſſive courſe of human improvement, next to the introduction of Chriſtianity;" and places the glory of the American States in their emancipation from LORDS, from BISHOPS, and from KINGS.* Nor is it eaſy to underſtand, how good wiſhes to the compound of Church and State united, can conſiſt with an opinion, that the demolition of the eſtabliſhment is a thing ſo requiſite, for the perfect reformation of religion; that any civil commotions are to be expected with complacency, to be deſired rather than feared, which may be neceſſary, as doubtleſs great commotions will be neceſſary, for the attainment of that happy end.† That the moſt unexceptionable eſtabliſhment of religion would be, that all the inhabitants of the country ſhould be obliged to ſupport ſome form of the Chriſtian Religion. That even this eſtabliſhment "would not be perfect liberty in matters of religion.

* See Dr. Price's Obſervations upon the Importance of the American Revolution.

† See the concluſion of Dr. Prieſtley's Hiſtory of Corruptions.

religion." But that "few perſons would object to it in *the preſent ſtate of things*," becauſe, though not perfect liberty, "it might MAKE WAY for it."*

While theſe are the avowed principles of its leaders, let them not pretend that friendſhip to the peace of Church and State, attachment to the Government, and loyalty to the King are the characters of Non-conformity. Many Non-conformiſts, it is confeſſed, the majority, it is hoped, are at preſent, in themſelves, peaceable, well-affected, loyal ſubjects. Every churchman will with pleaſure recollect many of that character, within the circle of his own acquaintance. But what ſecurity are their private diſpoſitions for the conduct of the party? What ſecurity for their own conduct, if any occaſion ſhould ariſe to ſtir up party zeal, while the ſpirit of the SOLEMN LEAGUE and COVENANT breathes, as it does, in the approved writings of their moſt admired teachers?

The Non-conformiſts urge a Third claim, upon the Impartiality of the State. This is founded on a ſuppoſed grievance, laid upon the Church of Scotland by the Corporation Act and the Teſt Act,† and upon the late repeal of the Iriſh Teſt.‡

It

* Prieſtley on the Firſt Principles of Government p. 201.

† Caſe § 8. ‡ Caſe § 9.

It ſeems to be with no good grace, that the Engliſh Non-conformiſts take up the cauſe of the Preſbyterian Church of Scotland, to which they bear the ſame affection as to the Engliſh Church. The Preſbyterian Church of Scotland, in their judgment, "differs from the Church of Rome as a kept miſtreſs differs from a ſtreet-walking proſtitute."* The Church of Scotland can complain of no injuſtice, while her ſons enjoy all the rights, which ſhe ſtipulated for them at the Union. But let her ſtate her own grievances, if any have ariſen; ſhe will deſerve a reſpectful hearing. But at the ſame time let her beware of the inſidious ſervices of theſe officious advocates, the common enemies of all eſtabliſhments; who would add her ruin to that of her ſiſter Church. For "Epiſcopacy and Preſbytery they hold to be equally intolerant."†

As for the Nonconformiſts in Ireland, Ireland beſt knows what indulgences they may deſerve, and what ſhe may with ſafety grant. She muſt judge for herſelf; and ſo muſt England. The repeal of the Iriſh Teſt in 1779, was probably occaſioned by the dread of a Spaniſh invaſion. But what is the true uſe of Ireland's example? Eight years are not yet paſſed over, ſince the re-

* See Robinſon's Lectures upon Non-conformity.

† Robinſon's Lectures upon Non-conformity.

peal took place. What is now the ſtate of the Church of Ireland? What is the ſituation of the kingdom? Is the repeal of the Teſt juſtified, as a political meaſure, or is it not, by the preſent ſituation of the Church and kingdom? Let the queſtion ſleep. Its diſcuſſion might be more unpleaſant, than it could be profitable. But let Great Britain beware.

If the claims of the Non-conformiſts, upon the gratitude, the juſtice, and impartiality of the State, are thus weak in their foundations; the Religious Motives, which they urge for the repeal of the two Acts in queſtion, are of no greater force. Theſe are now to be examined. They are theſe three:

1. That the application of the Sacrament of the Lord's Supper to the ſecular ends of civil ſocieties, is a profanation of that holy ordinance. For this, or nothing, is the amount of their ſecond reaſon. "The Sacrament of the Lord's Supper, being a matter purely of a religious nature, and being appointed by our bleſſed Saviour, only for the remembrance of his death, ought not to be applied to the ſecular ends of civil ſocieties."*

2. That

* Caſe § 2.

2. That theſe acts are ſnares for the conſciences of men. "Since men may be compelled by their neceſſities, or allured by ſecular advantages, to do what they would not do, were they left to their own choice."†

3. That particularly they are ſnares for the conſciences of ſerious Clergymen of the eſtabliſhed Church; and beſides expoſe them even to vexatious proſecutions, for a conſcientious diſcharge of a duty of their ſacred office. *

The firſt objection to the two Acts in queſtion, that they amount to a profanation of the Lord's Supper; the Non-conformiſts owe to their great champion Biſhop Hoadly: who made indeed the moſt of it. It would hardly have been now revived but upon a preſumption that Biſhop Sherlock's reply might be forgotten, or would be overlooked, by the friends of the eſtabliſhment. Theſe laws, as that able writer hath clearly ſhewn, ſuppoſe no application of this Sacrament, on the part of the receiver, to any other than the original purpoſe; the religious commemoration of our Lord's ſacrifice of himſelf for the ſins of men. They only declare, that from the

† Caſe § 4. * Caſe § 6.

performance of this rite, after a certain manner, the State will think it ſafe to draw certain concluſions, concerning the principles of perſons ſo performing it. And ſo little do they tend to any abuſe or miſapplication of the ordinance; that they evidently ſuppoſe a ſcrupulous attention to its original end, on the part of the communicant. His reverent opinion of its ſanctity is indeed the baſis of the legal concluſion. The real principles, upon which theſe laws were introduced, ſeem to be theſe.

Upon the reſtoration, it was deemed neceſſary for the preſervation of the conſtitution, and to prevent, for the time to come, ſuch miſchiefs as religious differences, or the pretence of religious differences, had ſo lately produced; that perſons ill-affected to the eſtabliſhed Church ſhould be excluded from certain places of truſt and authority. Some criterion therefore was to be eſtabliſhed, for diſtinguiſhing between the well and the ill-affected. That the diſcrimination might be made in the leaſt irkſome manner to the ſubject, no ſubſcription was required to articles of doctrine, no declared approbation diſcipline and rites: but Government ſeems to have looked out for ſome ſuch mark as might be found in the ordinary habits and practices of every man's life, by which its beſt friends might be known from

thoſe whoſe affections were more doubtful. It was taken for granted, that every true Chriſtian muſt frequently commemorate the Redeemer's death, by that rite, which all true Chriſtians confeſs our Lord himſelf appointed for that purpoſe; and that thoſe Chriſtians, who were not Diſſenters from the eſtabliſhed Church, muſt join in the celebration of this rite in their pariſh churches, after the manner of the Church of England. Thus the taking of the Sacrament, after the manner of the Church, ſeemed to be ſuch a mark, as Government wiſhed to find, of a friendly conformity. A mark which the voluntary habits of the ſubjects life afforded, which rendered explicit declarations unneceſſary. That this interpretation of a citizen's religious acts, ſhould be a profanation of thoſe acts on the part of the community, or in any way improper or indecent, is a poſition which needs explanation.

The ſnare, which the Corporation Act and the Teſt Act, are ſupoſed to ſpread for the conſciences of men, is ſuch a ſnare as might equally be pretended in every inſtance, in which the laws require the ſecurity of an oath; becauſe caſes will ariſe, in which Perjury, were it to eſcape undetected, might be much for the ſecular advantage of the individual.

But

But of all the reaſons that are alleged, for the repeal of theſe offenſive laws, the pretence of the perplexities, in which the parochial Clergy find their conſciences entangled by them, and of the danger of vexatious proſecutions, to which that order ſtands expoſed, is the moſt contemptible and ridiculous: Although this, like the firſt of the three religious motives of repeal, is one of Hoadley's arguments. That it ſhould have been uſed by him, only ſerves to ſhew, to what miſerable ſhifts great abilities may be reduced in the ſervice of a weak cauſe; and the revival of it now, is a further argument of the preſumption of our adverſaries upon the ſupineneſs of Church-men, as if they could hear this objection made, and forget, or neglect, to bring forward Biſhop Sherlock's confutation.

Both theſe dangers, it ſeems ariſe, the danger of a troubled conſcience, and the danger of law-ſuits, from this circumſtance; though how this circumſtance ſhould produce either, the whole phalanx of the Bar, joined in conſultation with all the Civilians, Canoniſts, Caſuiſts, and Divines in Europe, might be at a loſs to explain. Theſe dangers both ariſe, from a repugnance between a certain exhortation, which the Pariſh Prieſt is directed by the Rubric to deliver to the congregation, when he gives notice of the celebration of

the

the Holy communion, and the requiſitions of the Teſt Act. The Exhortation "forbids blaſphemers "of God, ſlanderers of his word, adulterers, &c. "to come to the Holy Table: and yet the mi- "niſter, as the law now ſtands, (ſo the Non-con- "formiſts imagine) is bound to admit all ſuch "perſons to the ſacrament, when they demand "it as a qualification for an office, or ſubject "himſelf to a proſecution."* But is it poſſible, that any Clergyman ſhould be brought into this dilemma, by any contrariety between an exhortation, addreſſed to the conſciences of other men, and a law preſcribing his own duty? It is indeed the official duty of every Parochial Miniſter, to enforce the ſolemn warnings of the public exhortation by private admonitions, where they ſeem to be needed. But if perſons of profane, irreligious lives, warned of the danger of coming to the Lord's Table without repentance, will nevertheleſs come, in defiance of that warning and have a right, under the letter or the conſtruction of any law, to demand admiſſion; the laws abſolve the prieſt's conſcience, and leave the impiety on the heads of thoſe, who, warned of the danger, deſpiſe the ſanctity of the inſtitution. The Prieſt, who hath exhorted, warned and admoniſhed, hath done his utmoſt; unleſs, beſide the authority of exhortation, the law hath given him a power to REPELL.

Now

* Caſe § 6.

Now this is indeed the caſe. Every Pariſh Prieſt hath power by the Rubric, and the Rubric is, no leſs than the Teſt Act, the law of the land, he hath legal power by the Rubric, to "repel "from the Lord's Table, every one who is an "open and notorious evil-liver, and every one "that hath done any wrong to his neighbour, "by word or deed, ſo that the congregation be "thereby offended, provided that he give ac-"count of the ſame to the Ordinary within four-"teen days after, at the furtheſt." Now the conſcience of any Miniſter may be reaſonably, indeed, alarmed, if through a wilful careleſſneſs he hath ſtoped ſhort at exhortation, in any caſe in which he ought to have exerciſed his power of repulſion. And his conſcience may be the more alarmed, for ſuch an omiſſion of his ſpiritual duty, if he knows how the law really ſtands; and is not miſled by that popular error, which hath impoſed upon the Non-conformiſts. The Teſt Act hath neither aboliſhed, nor in the leaſt degree abridged, the power of Repulſion, with which the Rubric inveſts him. No blaſphemer of God, no ſlanderer of his word, no open and notorious evil-liver would recover damages under the Teſt Act, againſt a Miniſter who ſhould repel him. Nothing in the Teſt Act requires the admiſſion of ſuch perſons. Nor is the Miniſter liable to any proſecution, under the Teſt Act, to which he would

would not be liable, if the Teſt Act were repealed. An action might ſtill be brought, by a perſon repelled upon the pretence of any crime; and if the miniſter ſhould not be able to make proof of the crime alleged, as the ground of the repulſion, damages might perhaps be given. But then in repelling for the ſuſpicion of a crime, of which proof ſhould be wanting, the Miniſter would have acted indiſcreetly, and would have exceeded his powers. But let the Miniſter take care to act in ſtrict conformity to the Rubric, let him prove the crime, or the evil life of the repelled perſon, and the proſecution muſt be diſmiſſed with coſts. For the Rubric is law, and as Biſhop Sherlock ſays, with his uſual animation, it is as much a rule to his Majeſty's judges in Weſtminſter Hall, as to the Curate of a Pariſh. Indeed the Teſt Act, when it requires that perſons appointed to certain offices, ſhall take the Sacrament, evidently ſuppoſes, that none would be appointed to ſuch offices, who ſhould be unworthy to receive it. This law was enacted in times when religion was more regarded, than it is in the preſent: and it was within the intention of the Legiſlature, to exclude from certain ſituations, not only religious Non-conformiſts, but irreligious Church-men. To exclude thoſe unſound members even of the eſtabliſhed Church, who by the ſcandal of their lives, ſhould be in-

admiſſible to the Lord's Table. If the effect of the Law hath not perfectly anſwered the intention, the failure is owing to the relaxation of Eccleſiaſtical diſcipline: and the true remedy for this, is not to repeal the Laws, but to provide for their better execution.

The Reaſons, by which the Non-conformiſts would perſuade the political expedience of the meaſure, which they recommend, remain to be examined. It will appear, that their plea is weak, in the part where it ought to be ſtrongeſt.

The firſt argument for the Political Expedience of the meaſure, is not expreſsly ſtated among the pretended reaſons; but it is ſuggeſted in the narrative, with which the reaſons are prefaced, and it is founded on the original intention of the act. "The Teſt Act, it is alleged, as the title "ſets forth, was made wholly againſt Papiſts, "and not to prevent any danger, which could "happen to the Nation or Church from the "Diſſenters." Whence it may ſeem a fair inference, that it is an abuſe of the act, to turn it againſt Diſſenters. Now it is true, that the title of the Act mentions only dangers from Popiſh Recuſants. But it is equally true, that the proviſions of the Act equally affect all Diſſenters. And

And this general operation of the Act, againſt them all, was a thing foreſeen and intended. Elſe what was the ſingular diſintereſtedneſs of the Preſbyterians *in contributing to the paſſing of the bill?* And what was the pertinence of Alderman Love's patriotic declaration, in the name of his party, that it was their deſire, that "nothing with re- "lation to them might intervene, to ſtop the ſe- "curity which the Nation and the Proteſtant "Religion might derive from the Teſt Act?" What was the virtue, or the ſenſe of this declaration, if it was not foreſeen that the Teſt Act would have relation to Diſſenters? And why was the act ſo framed, as to have relation to Diſſenters, if no danger from them, to the Nation or the Church was apprehended? The truth ſeems to be, that the Diſſenters were, equally with Papiſts, the original objects of the Act: and Mr. Alderman Love, and his party, had the good policy, to make a merit of ſubmiſſion, to a meaſure which they had not a ſufficient ſtrength of intereſt to defeat.

Again the ſimilarity between the Corporation Act and the Teſt Act, is ſo great, as to create a reaſonable preſumption, that the two laws have nearly the ſame object. But the Corporation Act which was the earlier of the two, was made, without any particular reference to Papiſts, for the ex-

preſs and ſole purpoſe of excluding Diſſenters. This fact is ſo notorious, from the hiſtory of the times, and from the preamble of the Act itſelf, that the Non-conformiſts in their Caſe pretend not to deny it: but they would artfully aſcribe it to the "great heat and violence of the period," in which that Act was paſſed. The truer account of the matter, is, that it was paſſed in a time ofextr eme danger; of danger from thoſe turbulent republicans, who had poſſeſſed themſelves of the ſuperior offices in corporations during the uſurpation; inſomuch that without this Act the Reſtoration had been incompleat. The ſame dangers would undoubtedly return, if the ſame deſcription of men ſhould be able, at any future time, to intrude themſelves into the ſame ſituations. The Corporation Act, with great wiſdom and with juſtice, hath provided for their perpetual excluſion. The Teſt Act, by a ſimilar excluſion of the ſame perſons, together with the Roman Catholics, from offices of another kind, provides againſt the ſame, or equal, dangers in another quarter. Thus the two laws explain each other, and as it would be unreaſonable in the Roman Catholics to claim exemption from the Corporation Act, by virtue of the Legiſlature's original intention; it is equally unreaſonable in the Diſſenters, upon any ſuch ground, to claim an exemption from the Teſt. Papiſts were not

more

more the ſpecial object of the one, than Diſſenters of the other.

After all, the actual ſenſe of theſe laws depends not on the compariſon of the two; nor on any artificial conſtruction of either, taken by itſelf; nor on the intention of the Legiſlature at the time when the laws were firſt paſſed, as it may be collected from hiſtory, nor even as it is declared in the preambles of the laws themſelves. The authoritative interpreter of the Statutes, is the Statute Book. Now whatever might be the particular views of that Parliament, by which the Teſt Act was firſt eſtabliſhed; ſubſequent Acts have expreſsly turned the ſenſe and intent of that Statute againſt Diſſenters of all denominations. The Toleration Act itſelf enumerating former laws, which ſhall not be conſtrued to extend to thoſe Diſſenters, who ſhall comply with certain ſpecified conditions, expreſsly reſerves the Teſt Act, as a Statute, which ſhall ſtill extend to them. It matters therefore little, what might be the original purpoſe of the Act. It now ſtands in the Statute Book, a declared proviſion for the ſecurity of the Church, by law eſtabliſhed, againſt Diſſenters of all denominations. It is to be conſidered indeed, as a clauſe of the Toleration Act, copied into it from the older Statutes.

It will hardly be denied, that the power which may enact new laws, may apply an old law to a new

new purpoſe. It could not, therefore, be pretended, that the extenſion of the Teſt Act by the Parliament of William and Mary, had its ſenſe been really extended, would have introduced any contradiction, or inconſiſtence into the body of the Statute Law; although the original purpoſe of the act had been as ſtrictly confined to Popiſh recuſants, as it appears to be in the preamble of the law as it is cited in the caſe of the Proteſtant Diſſenters. "The deſign of the act, ſays the Caſe, was, as the preamble declares, *to quiet the minds of his Majeſty's good ſubjects, by preventing dangers which might happen from Popiſh recuſants.*" Were theſe the exact words of the preamble, as every one muſt imagine, who knows the Act only by the Caſe, and ſees theſe words diſtiguiſhed there by the Italic character; the declaration would indeed be, that the end of the act was ſingle: namely, to prevent dangers from Popiſh Recuſants, as a means of quieting the minds of his Majeſty's good ſubjects, alarmed with the apprehenſion of thoſe dangers. Still this declaration, of the law's firſt end, would not have hindered, but that the Revolution Parliament might apply the law to another end, to the prevention of other dangers. But the true words of the preamble are theſe: *For preventing dangers which may happen from Popiſh recuſants, and quieting the minds*

minds of his Majeſty's good ſubjects, be it enacted, &c. Theſe words may be underſtood to declare a double intention of the Act: an intention to prevent dangers from Popiſh recuſants in particular, and an intention of quieting the minds of his Majeſty's good ſubjects, diſturbed alſo with the apprehenſion of other dangers. The Toleration Act, accepting the preamble in this larger meaning, which is indeed the moſt conſiſtent with the proviſions in the body of the ſtatute, re-enacts the law, with an expreſs direction of it to this more general end.

Upon the Revolution, when a bill was brought into Parliament for abrogating the oaths of allegiance to the abdicated King, upon its ſecond reading in the Upper Houſe, it was propoſed to annex a clauſe for a repeal of the Teſt, with reſpect to Proteſtant Diſſenters. The additional clauſe was rejected by a great majority; but not without a proteſt of ſome noble Lords, againſt the omiſſion. From this proteſt the Non-conformiſts borrow a ſecond argument for the expediency of the repeal, which, like the firſt, appears in the Narrative, not in the liſt of their Reaſons. "A greater caution, ſaid the diſſentient Peers, "ought not to be required from ſuch as are ad- "mitted into offices, than from the Members of "the two Houſes of Parliament; who are not

"obliged

" obliged to receive the Sacrament to enable
" themto ſit in either Houſe."

This reaſoning is not ſo ſound as it is ſpecious. In the Upper Houſe, the Temporal Peers claim their ſeats by inheritance: and men may not be ſo eaſily deprived of their hereditary rights, which would be the effect of a Teſt Law extended to the peerage for their ſeats, as they may be excluded from what is no right at all, from places conferred by the favour of the Crown. With reſpect to the Lower Houſe, although no Teſt is required of thoſe who are once elected; yet to conclude, that the Teſt Laws in no way reach them, is a fallacy. No Teſt is required of perſons once elected, becauſe the Corporation Act, while it remains in force, will always effect the excluſion of Diſſenters, by obſtructing their elections. Not their total excluſion. It is not to be wiſhed, that they ſhould be totally excluded from either Houſe. It is fit that ſome few ſhould ſit in both Houſes, were it only that from ſelf-intereſt, they will always be vigilant guardians of the Toleration. No danger is to be apprehended from Diſſenters in Parliament, unleſs they were to become a majority. A majority in the Upper Houſe they never can become, without ſuch an impolitic enlargement of the peerage, as is little to be apprehended. A

majority

majority in the Houſe of Commons they never can become, unleſs the diſſenting intereſt firſt gets an aſcendency in corporations. It is one great uſe of the Corporation Act, though not its immediate end, that it nips this danger in the bud: inſomuch that whilſt this law ſhall remain in force, it will be unneceſſary to require a teſt of the particular perſons returned to Parliament. For ſo long as Diſſenters are not a majority of either Houſe, and are not introduced in ſuch numbers, as might enable them, with the addition of what weak churchmen they might win over to their ſide upon particular queſtions, to make occaſional majorities; Parliament, though it may contain ſome Diſſenters, is ſtill collectively a Churchman. The Corporation Act, by checking the too luxuriant growth of the diſſenting intereſt, and the Prerogative of the Crown, by keeping the peerage pure, are as it were the Teſts, which ſeverally anſwer for the principles of either Houſe of Parliament. To this it may be added, that a ſeat in Parliament, is not the ſituation, in which the Non-conformiſt can ſecretly promote the intereſt of his party. He can carry no meaſure by himſelf. The concurrence of a majority muſt be obtained. And this concurrence cannot otherwiſe be obtained than by an avowal of his principles, and a fair ſubmiſſion of his ſchemes to

public diſcuſſion. The Teſt Laws are intended to prevent the miſchief, which the ſame man might do in ſecret, and by himſelf; by an artful uſe of power lodged in his own hands, to be exerciſed by his own diſcretion. The ſame perſon therefore, who may ſafely be admitted to a ſeat in either Houſe, may be unfit to hold an office in a Corporation, or a place under the Crown: "and a greater caution ought to be required from perſons admitted into offices, than from Members of Parliament."

A third argument, for the political expedience of the propoſed repeal, occurs in the fourth paragraph of the Reaſons. It is briefly this: that the Teſt is a mean inſufficient to its end. That it is no real or effectual ſecurity for the Church of England, becauſe "the occaſional receiving of the Lord's Supper, as a qualification for a place, cannot imply, that thoſe, who thus receive it, mean to declare their full and entire approbation of the whole conſtitution and frame of the eſtabliſhed Church." If a fence is weak, it ſhould be ſtrengthened; if a wall may be jumped over, it ſhould be raiſed. This argument only proves the expediency of Queen Ann's ſtatute againſt Occaſional Conformity, and deſerves no farther anſwer. It is mentioned indeed as a farther imperfection of the Teſt Act,

which

which it may be ſaid, could not be remedied by any law againſt occaſional conformity, that it excludes not Infidels. Notorious Infidels are excluded by an older law; the Rubric. If concealed Infidels will defy the ſanctity of the ordinance, they will equally defy the ſanctity of an oath. Yet oaths are uſeful.

The ſixth paragraph of the Reaſons, contains a ſtring of Reaſons ſo prepoſterouſly arranged; that it is too evident, the framers of the Caſe feared and ſhunned the perſpicuity, which ariſes from order, leſt it ſhould betray the weakneſs of their argument. Firſt it is ſaid, "the repeal of the Corporation and Teſt Act would be a relief to many of his Majeſty's faithful ſubjects." Then, that "it would lay no difficulty or hardſhip upon any." Then, in particular, "that it would no way affect the eſtabliſhed Church." Of theſe three reaſons, the firſt two are evidently miſplaced. That the repeal would not lay difficulty, or hardſhip, upon any of his Majeſty's faithful ſubjects ſhould be proved, before its efficacy for the relief of others can be alleged as a reaſon for it. For the relief of any ſet of ſubjects, however faithful, cannot without injuſtice be attempted, by a meaſure oppreſſive to others not leſs deſerving. The ſecond of theſe firſt two poſitions, is again dependent upon the third,

For if the contrary, of what is assumed in the third position, should be true; if the greatest mischiefs would be likely to ensue from the repeal to the established Church; if its ruin would be, the remote perhaps, but the certain consequence; then it cannot be said, that none would be harmed by a measure detrimental to so great a majority of the people.

And how is it that the repeal would no way affect the established church? Why truly "Religion and the national church were established before these acts were passed; and would "continue to be established were they totally "repealed. The Doctrine, the Discipline and "Privileges of the Church, would remain "exactly as they are at present. Its constitution and its form of Government are not secured by these Acts, nor would it be injured "by the total repeal of them."

Now it is true that the Corporation Act and the Test Act are not the laws, by which the 39 articles are ratified; the use of the Liturgy prescribed; the tithes appointed for the maintenance of the Clergy; or the power and privileges of the several orders and offices of the Hierarchy defined. These laws, therefore, neither establish the Church, nor create its rights. Nor is

any

any man's property in his money in the Public funds, or in the furniture of his houſe, created by the laws, by which Forgery and Burglary are made capital offences. Yet theſe laws ſecure the uſe and poſſeſſion of property, which other laws create. Property would not long continue in the owners hands, were theſe laws repealed; nor would the value of the right be much, when the poſſeſſion ſhould become precarious. That relation, which the laws againſt violence and fraud bear to laws of Property, the Corporation Act and the Teſt Act bear to the laws, by which the Church is eſtabliſhed. The Eſtabliſhment is not made, but it is guarded by them: juſt as a Gentleman's property in his grounds is not made, but it is guarded by his park-fence and by his garden-wall. Notwithſtanding therefore, that theſe Acts are not the very foundations of the eſtabliſhment; notwithſtanding that were they repealed, its foundations would remain; that the Doctrine, Diſcipline, and Privileges of the Church would remain, *in law*, what they are at preſent: yet it is not true, "that its conſtitution and its form of "Government are not *ſecured* by theſe Acts, and "would not be injured by the repeal of them." With equal truth it might be ſaid, that a building is not ſecured by a buttreſs, and would not be injured by its removal; becauſe the buttreſs is no part of the foundation. But buildings have been known

known to fall, while the foundations have been unimpaired. And how long our National Church ſhould ſtand, if theſe two buttreſſes ſhould be taken away, would depend upon the zeal and cunning of the Non-conformiſts, to improve the opportunities of its gradual ruin, which this weak policy would afford them. To ſay, that the repeal of theſe acts would bring no hardſhip upon any, when it would expoſe the Church to ſo great danger, is a poor Sophiſm. Perhaps no hardſhip would, for ſome conſiderable time, be felt by individuals. But the utility, and the juſtice indeed, of a public meaſure is to be eſtimated, not ſo much by its immediate effect upon the fortunes and the happineſs of individuals, as by its remote influence upon the common weal. And the contrivers of that meaſure are to be execrated, which tends finally to public calamity, although no one citizen ſhould perceive himſelf the worſe for it for a whole century.

And now if the poſition were admiſſible, which it is not, that the repeal of theſe acts would bring no hardſhip upon any; yet who are they, thoſe many faithful ſubjects of his Majeſty, to whom it would afford relief? Not Churchmen; for they cannot be aggrieved by the laws, which are the ſecurity of their rights. But our LOYAL Nonconformiſts would be relieved by the

the repeal. From what grievance? From the grievance of being excluded from public offices of profit and authority. But if the law, as it now ſtands, exclude them from thoſe, it alſo excuſes them from offices of burthen. It was the ſolemn opinion of the Judges, particularly of Mr. Juſtice Forſter and Mr. Juſtice Wilmot, in the famous caſe of Allen Evans, that the immunity on the one hand compenſates the inability on the other; and, as equal forces, acting in oppoſite directions, deſtroy each other's ſeparate effects, the total effect of the Teſt Laws, upon the body of the Diſſenters, is neither grievance nor advantage. But where no grievance hath taken place, no relief can be afforded.

Upon the whole, it appears, that the plea of the Non-conformiſts, for the repeal of the two acts in queſtion, fails in every part. That they have no claim upon the Gratitude, the Juſtice, or the Impartiality of the Britiſh Government: That their objections to the Sacramental Teſt, as an application of a religious ordinance, to the ſecular ends of civil ſociety, and as a ſnare for the conſciences of men, are frivolous: and that the whole weight of argument from Political Expedience is on the contrary ſide. Upon this view of the merits of their caſe, a regular detail of reaſons upon our own ſide of the queſtion, in addition

tion to thoſe which the diſcuſſion hath drawn forth, may be ſpared. The members of the Legiſlative Council will not forget, that theſe Acts lay no reſtraint upon the ſubject, which is not equally laid upon the Crown itſelf: That the Teſt Act is one of the Laws, which are declared perpetual by the Union: That one great end of the Revolution was to preſerve the eſtabliſhed Church; and "that to maintain and preſerve inviolably the ſettlement of the Church of England," is a part of the Coronation Oath. A late republication renders the bare mention of theſe points ſufficient. With what decency ſubjects may ſolicit a liberty, which the conſtitution hath denied to Royalty itſelf; urge the repeal of laws interwoven with the treaty which unites the kingdoms; attempt a meaſure which would commit the Majeſty of Britain with engagements of which Heaven is the witneſs and guarantee; our Non-conformiſts had done well to conſider.—They have not conſidered. But it is little to be feared, but that the Britiſh Parliament will better know its own dignity, than to follow the example of their precipitance. Parliament will conſider the meaſure both in itſelf and in its conſequences. If the meaſure in itſelf is diſreſpectful to the Crown, and infractive of the Union; it cannot be adopted. If in its natural conſequences, it threatens the heavieſt miſchiefs; the wiſdom of

Parliament

Parliament will not truſt the Public weal to the precarious ſecurity of fair pretenſions. In the year 1772, when the Diſſenting Miniſters were petitioning for relief from the ſubſcriptions required by the Firſt of W. and M. public promiſes were made in the name of the body, in the ſtrongeſt words which language could ſupply, that the Diſſenting Clergy, if they might be gratified in that requeſt, would eſteem their toleration perfect, nor ever extend their wiſhes to any further indulgence. * The Diſſenters now ſolicit a repeal of the Teſt-Laws. The ſtrongeſt aſſurances, it is ſaid will be given in the name of the party, that gratified in this requeſt, they never will extend their views to any further indulgence. The promiſe is in itſelf ſuſpicious. To what further indulgences can their views at any time extend, if once they ſhall be put upon an even footing with the beſt friends of the eſtabliſhment? Yes,—Notwithſtanding their declared enmity to eccleſiaſtical eſtabliſhments in general, their views may extend to ſomething further, than a free admiſſion of their laity to civil offices. The public hath been told,

* See a Vindication of the Proteſtant Diſſenting Miniſters, with regard to their late application to Parliament, by Andrew Kippis, D. D. London, printed for G. Robinſon in Pater-Noſter-Row, 1772.

that it would be but equitable, that one church, at leaſt, in every conſiderable town ſhould be ſet apart for the Diſſenters; and that ſuch a portion of the tithes, ET CÆTERA, of that diſtrict ſhould be allotted to the Miniſter, as ſhould be proportioned to the numbers of his followers.* It hath even been ſuggeſted, that a time may come, and may be at no great diſtance, when a *portion* of the Tithes and the ET CÆTERA will not ſuffice: When under the authority of an Arian or Socinian Parliament (which nothing indeed might ſo ſoon produce as the repeal of the Corporation Act) the raſh defenders of the preſent ſyſtem, depoſed from their dignities, and plundered of their emoluments, may be thankful if they eſcape the horrors of a jail.† Since then things may come within ambition's view, far beyond what is now demanded; what ſecurity can the Non-conformiſts give, that ſome ten years hence, they will feel themſelves more firmly bound by the promiſes of 1787, than they are now bound by the promiſes of 1772? The contrariety, of their preſent conduct and their late engagements, caſts no imputation of inſincerity upon thoſe who ven-

* See Dr. Prieſtley's Importance of Free Enquiry page 41—46.

† See Dr. Prieſtley's Second Letters to the Archdeacon of St. Alban's, page 88.

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tured to paſs their word. It only ſhews, that all ſuch promiſes, in the name of a party, are in truth, ſymptoms of certain forebodings in their own minds, that the very next ſtep in the natural courſe of things, to their preſent purſuit, is to attempt, what they would engage ſhall never be attempted; and it ſhews beſides, that the faireſt intentions of individuals cannot govern the conduct of a party, or avert the natural conſequences of any public meaſure. Should the Teſt-Laws be now repealed, Diſſenters will be Diſſenters ſtill. Their influence will be increaſed, while their prejudices will remain entire. Their prejudices will incite them to uſe their increaſed influence, firſt for the reformation of religion; and then, ſince their politics are for the moſt part ſingular, for the bettering of the State. Governmment will have thrown down the beſt barrier it had to oppoſe to innovation; and the work of reformation will go on, without obſtruction, till one ſtone will not be left ſtanding upon another of the admired fabrick of the BRITISH CONSTITUTION.

F I N I S.

APPENDIX.

THAT fuller juſtice may be done to the merits of that ineſtimable work, which, in the year 1778, received the approbation of the HARLOW SYNOD; ſome extracts from it ſhall be given here, which have been inadvertently omitted in their proper place. They are paſſages, which ſet in the ſtrongeſt light the loyalty of the writer himſelf, and that of the members of the applauding Synod.

" DESPOTISM is the deſideratum of moſt Princes. (Robinſon's Lectures, p. 31.)

" That ſo much Epiſcopacy in a State, ſo much Deſpotiſm, is a certain truth." (p. 32.)

" Princes know no hereſy but Patriotiſm, and no orthodoxy but Deſpotiſm." (p. 40.)

Theſe are not only avowed, as the political principles of the Non-conformiſts, but every Diſſenting Miniſter is earneſtly exhorted by Brother Robinſon, and the HARLOW SYNOD, to preſs the importance of them upon the minds of his Catechumens; and to perſuade them,

that "to inculcate these principles in the Church, is the best preservative of the State." (p. 32) It should seem, however, that this aphorism is to be understood with reference only to the present state of things. The supreme efficacy of this State-preservative is to be acknowledged, so long only as the State shall ungraciously and unjustly with-hold from the pious Non-conformist the power of inculcating his principles, by more effectual means than writing and declamation. If ever the Non-conformists should acquire their just share of power, they will doubtless find better means of disseminating their principles, for the State's preservation, than the pens and eloquence of their pastors, supported by the decrees of their Synods.

Not to fatigue the readers patience, with two great a length or variety of extract, it shall suffice to remark in general, that whoever would form his mind to a clear apprehension of the idea, which exactly corresponds with the word Loyalty, as it is used by the Non-conformists, should never lay out of his hand, by day or night, till he has gotten them both by heart, Mr. Robinson's *Plan of Lectures upon Non-conformity*, and Mr. S. Palmer's *Protestant Dissenter's Catechism*. Two books, small in size, cheap in price, but rich in matter: not indeed containing any one principle

principle of the Chriſtian Religion, or of any religion under the Sun (except ſome abuſed texts may be called principles) but to make amends for this defect, replete with wiſe maxims of general Policy, curious paſſages of Britiſh Hiſtory, and ſage remarks upon the conſtitution of our Country eccleſiaſtical and civil. Of which this one may ſerve for a ſpecimen: "The Supreme "head of the church of England," ſays Mr. Robinſon, by whoſe mouth let it never be forgotten, that the HARLOW SYNOD ſpeaks; "The Supreme head of the church of England is a King, or a Queen, Lutheran, Preſbyterian, Prelatical, or Popiſh." (p. 19.) To give a colour to this Calumny, it is alleged, that the church hath exiſted under Princes of all theſe different perſuaſions. But what matters it, under what Princes it HATH exiſted, when the laws have long ſince provided, that the wearer of the Crown ſhall hold communion with none but the eſtabliſhed Church? And yet upon the pretence of what hath been, the Non-conformiſt youth are to be trained to the belief that a Popiſh King might ſtill be the conſtitutional Head of the church of England.

ERRATA.

Page 3, line 6. *Sessions* for *Session*.
6, line 12. *continues* for *continue*.
10, line ult. *which effected*, for *which have effected*.
19, line 24. *not upon*, for *not solely upon*.
26, line 17. *not* for *of*.
29, line 2. *offers* for *offer*.
36, line 24. *approbation discipline*, for *approbation of discipline*.
51, bottom. *public* for *For*.
56, line 26. *it* for *be*.
line ult. *threaleni* for *threaten*.